

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE <div style="text-align: center;">J</div>		PAGE OF PAGES <div style="text-align: center;">1 12</div>	
2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0004</div>		3. EFFECTIVE DATE <div style="text-align: center;">23-Jun-2005</div>		4. REQUISITION/PURCHASE REQ. NO. <div style="text-align: center;">W16ROE-5090-1738</div>		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE <div style="text-align: center;">W912DS</div>		7. ADMINISTERED BY (If other than item 6) <div style="text-align: center; font-weight: bold;">See Item 6</div>			
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. <div style="text-align: center;">W912DS-05-B-0012</div>	
				X		9B. DATED (SEE ITEM 11) <div style="text-align: center;">12-May-2005</div>	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to (i) make a revision to the bid schedule, (ii) incorporate changes to the specifications, (iii) incorporate questions and answers and (iv) to change the bid opening date originally scheduled for 28 June 2005 at 3:00 P.M. local time to 6 July 2005 at 2:00 P.M. local time. NOTE: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: in the space provided on the SF1442, by separate letter, or by telegram, or by signing block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR14.304). Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED <div style="text-align: center;">23-Jun-2005</div>	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	Construct Navigation Channel For Information Purposes Only				

INFORMATIONAL

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AA	MOBILIZATION AND DEMOBILIZATION	1	Lump Sum		

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AB	DEBRIS REMOVAL AND DISPOSAL	500	Ton		

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AC		4,865,000	Cubic Yard		
	DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AD		15	Each		
	SUBSURFACE DRILLING AND SAMPLING				

NET AMT

TOTAL BASE BID ITEMS:_____

OPTIONAL ITEMS:

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002		1	Lump Sum		
OPTION	ADDITIONAL COST FOR OPTIONAL INSURANCE (the amount is the maximum that can be reimbursed, only actual expenses will be reimbursed)				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003		2,000			
OPTION	DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS, (Pipe line Area).				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004					
OPTION	Liberty State Park, LSP1: on-shore				

INFORMATIONAL

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AA		179,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Liberty State Park 1, on-shore				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AB		1	Lump Sum		
OPTION	FLOATING TURBIDITY BARRIER				

NET AMT

FOB: Destination

SUBCLIN 0004AC is added as follows:

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AC		1	Lump Sum		
	MOBILIZATION AND DEMOBILIZATION				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005					
OPTION	Liberty State Park 2, LSP2: off- shore FOR INFORMATION PURPOSES ONLY.				

INFORMATIONAL

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AA		13,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Liberty State Park 2, off- shore.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AB		1	Lump Sum		
OPTION	FLOATING TURBIDITY BARRIER				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AC		1	Lump Sum		
OPTION	Mobilization and Demobilization				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006					
OPTION	DIFFERENCE IN COST FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Floyd Bennett Field.				

INFORMATIONAL

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AA		100,000	Cubic Yard		
OPTION	Difference in cost for Transportation and placement of non-rock materials suitable for HARS, same of item 0001AC Placement at alternate location, Floyd Bennett Field				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AB		1	Lump Sum		
OPTION	Mobilization and Demobilization				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007		1,300,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS. (Same as item 0001AC) Placement at alternate location Port Jersey, MOTBY				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008			Lump Sum		
OPTION	FIELD OFFICE				

INFORMATIONAL

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AA		1	Lump Sum		
OPTION	Field Office 1 for 12-month duration				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AB		1	Lump Sum		
OPTION	Field Office 2 for 12-month duration				

NET AMT

TOTAL OPTIONAL ITEMS:_____

TOTAL BASE BID ITEMS PLUS OPTIONAL ITEMS:_____

NOTES FOR PRICE SCHEDULE:

- 1 Bidders are required to bid on both the Base Bid Items and the Optional Items on the Price Schedule or their bid will be rejected.
- 2 The low bidder for the purpose of award will be the conforming responsible bidder offering the lowest amount for the Total Base Bid & Optional Items.
- 3 Any bid which is materially unbalanced as to the price for the Base Bid Item and Optional Item may be rejected. An unbalanced bid is one, which is based on price significantly less than the cost for some work and prices are significantly overstated for other work.
- 4 Bidders are reminded that they must bid on the issued plans and specifications as amended. Any deviations, conditions or attachments made by the bidders thereto may render the bid non-responsive and be cause for its rejection.
- 5 The Optional Item 0002, if awarded, may be awarded within **120** calendar days from issuance of the Notice to Proceed date. The Government is under no obligation to award any Optional Item. CLIN 0002; amount represents the maximum that the contractor shall be reimbursed after all the supporting documents are submitted, only actual expenses will be reimbursed, refer to Section 00800 paragraph 1.32A. No additional time will be permitted to complete optional CLIN 0002.
- 6 The Optional Items, if awarded, will be awarded within **600** calendar days for CLIN 0003 and CLIN 0008 and **450** calendar days for CLIN 0004, CLIN 0005, CLIN 0006 and CLIN 0007, from issuance of the Notice to Proceed date. Additional time will be given to complete these options: **25 calendar** days extension will be given **once** only after award of any or all of these options at any time, CLIN 0003, CLIN 0004, CLIN 0005 and CLIN 0006 and **55 calendar** days given for CLIN 0007. The Government is under no obligation to award any or all of the Optional Items.

The following have been added by full text:

W912DS-05-B-0012

Amendment No.4

Bid opening date, originally scheduled for 28 June 2005 at 3:00 P.M. is hereby changed to 6 July 2005 at 2:00 P.M., local time

1) SPECIFICATIONS:

-Section 00010: Optional Bid Item CLINs 0004AC will be added

0004C MOBILIZATION AND DEMOBILIZATION 1 LS \$_____ \$_____

Section 01135

Clean Air Conformance and Air Emissions

1-Revise paragraph 1.3 a, to read as below:

a. The Contractor shall not adversely affect the attainment plans established by the States of New York and New Jersey. The Government has allocated Air Quality Units for this contract; therefore the Contractor is limited to the following allowable NOx emissions per calendar year unless the Contractor is able to obtain additional Air Quality Units at its own expense.

Allocated Air Quality Units

Calendar Year	(NOx Emissions
	Allowable Limit - Tons)
2005	110
2006	210
2007	145

2-Revised air calculator has been placed on the NYD Website. The web URL is:

<http://www.nan.usace.army.mil/business/buslinks/contract/index.htm>

SECTION 01270

1-Delete Section 01270 in its entirety and replace with it the attached New Section 01270, which accompanies.

SECTION 02900

TO BE ADDED TO 02900-1.15 FINAL EXAMINATION AND ACCEPTANCE

Between 7 and 14 days after the completion of work at placement sites at Floyd Bennett Field or Liberty State Park, a final examination of the work will be conducted by the Contracting Officer, at the cost and expense of the Government by either by means of an upland survey utilizing a 25ft grid that will located changes in elevation and

grade or by a hydrographic survey as appropriate to the location. The Contractor, or his authorized representative, will be notified when soundings or sweepings are to be made, and will be permitted to accompany the survey party.

Material placed at the former Military Ocean Terminal Bayonne (MOTBy) shall be measured based upon in-situ channel surveys using the same methodology discussed elsewhere in this clause. Contractors must not switch any area between HARS and MOTBY placement without first notifying the Contracting Officer and the Government having surveyed the area.

The Government shall provide the Contractor the survey data and maps within fourteen (14) calendar days and the quantity volume within twenty one (21) calendar days from the date the field survey was performed by the Government.

The following questions and answers are provided for information only. Nothing contained below amends or revises any provision of the solicitation

Questions and Answers

The New York District has received questions about the contract

Q: Contract Section 00800, Article 1.1.a allows 25 additional calendar days for Options CLIN 0003, 0004, 0006, and 0007 and 55 additional days for Option 0007. However Contract Section 01135, Article 1.3 does not provide increased emissions limits for this work. This work requires a considerable amount of additional use of dredge pumps and booster pumps in the Nonattainment Area and as the result additional emission thresholds are needed. We request that the Emission Limits be increased to allow for these Optional Line Items.

A: The calculator has been revised

Q: Contract Section 01135 references the Air Emissions Calculator. This calculator provides a “drop down” menu for NOx reduction methods that enables the contractor to list “other” as a type of NOx reduction. However the calculator does not allow the user to input the NOx reduction percentage for “other” proposed NOx reduction methods. The user receives an error message indicating the cell is “write protected”. We request guidance on this matter.

A: The calculator has been corrected and is available at
<http://www.nan.usace.army.mil/business/buslinks/contract/index.htm>

Q: Options for upland placement have 450 days for award. This means that all upland placement may occur in 2007 in which case there are probably not enough NOx available.

-If a contractor is notified early enough so at least half of option 7 can be planned for in 2006 the majority of the problem disappears.

-We feel there is enough NOx to complete entire base and option 7 if contractors can schedule work throughout contract period. Options 4,5,6 do become problematic in 2007.

A: The emissions budget for 2007 has been re-examined and revised. Also, please note that the options should only include the difference in transit emissions due to the change in disposal site from HARS to upland. Pumpout and grading (as appropriate) is not to be included in the calculation.

Q: Overdepth issue - Permit allows disturbance but no pay beyond allowable overdepth, which appears practical, however contract wording does not correlate with that wording

A: While the NYSDEC permit discusses a maximum depth of 56.5 ft mlw, it includes anticipated additional underkeel clearance. All the Army Corps of Engineers environmental documentation only discusses a maximum depth of 53+2ft mlw. For this reason intentionally dredging deeper than 55ft mlw may leave the Contractor open to enforcement actions by the various State and Federal regulatory agencies

Q: Corps Field Office is assumed to be maintenance of the Office and Equipment for 12 months, with the same equipment being used in either case.

A: Yes

Q: Shouldn't there be a mob item associated with each of the option 4 & 5 since they could be exercised separately?

A: Mob added to CLIN 0004

Q: Requests that the New York District delete paragraph 5.1.4 from the Solicitation.

A: the various regulatory agencies understand and anticipate a reasonable amount of over dredge. It is these agencies that will determine whether or not enforcement actions under the Ocean Dumping Provisions of the Marine Protection, Research, and Sanctuaries Act are appropriate. The Corps, however, believes that it has a responsibility to inform bidders that this project is subject to scrutiny by these environmental agencies."

SECTION 00010 - SOLICITATION CONTRACT FORM

The required response date/time has changed from 28-Jun-2005 03:00 PM to 06-Jul-2005 02:00 PM.

(End of Summary of Changes)

SECTION 01270

MEASUREMENT AND PAYMENT

PART 1 GENERAL

1.1 LUMP SUM PAYMENT ITEMS

Payment items for the work of this contract for which contract lump sum payments will be made are listed in the PRICE(BIDDING) SCHEDULES and described below. All costs for items of work, which are not specifically mentioned to be included in a particular lump sum or unit price payment item, shall be included in the listed lump sum item most closely associated with the work involved. The lump sum price and payment made for each item listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for which separate payment is not otherwise provided.

1.1.1 Mobilization and Demobilization (Item No. 0001AA, 0005C, 0004C and 0006B)

1.1.1.1 Payment

Payment will be made for costs associated with mobilization and demobilization, as defined in Contract Clause PAYMENT FOR MOBILIZATION AND DEMOBILIZATION.

1.1.1.2 Unit of Measure

Unit of measure: lump sum.

1.1.2 Field Office (Item No. 0008A and 0008B)

1.1.2.1 Payment

Payment will be made for costs associated with operations necessary for installation, including all office equipment, system setup, maintenance services, and removal of equipment at designated area in accordance with the requirements specified in paragraph entitled "FIELD OFFICE" of Section 00800: Special Contract Requirements.

1.1.2.2 Unit of Measure

Unit of measure: lump sum.

1.1.3 Additional Cost for Insurance (Item No. 0002)

1.1.3.1 Payment

Payment will be made for actual costs associated with the additional insurance premium provided by the contractor as specified in Section 00800.

1.1.3.2 Unit of Measure

Unit of measure: lump sum.

1.1.4 Turbidity Barrier (Item No. 0004B ,0005B)

1.1.4.1 Payment

Payment will be made for actual costs associated with the installation of the barrier and removal.

1.1.4.2 Unit of Measure

Unit of measure: lump sum.

1.2 UNIT PRICE PAYMENT ITEMS

Payment items for the work of this contract on which the contract unit price payments will be made are listed in the PRICE SCHEDULE and described below. The unit price and payment made for each item listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for each of the unit price items.

1.2.1 Debris Removal and Disposal (Item No. 0001AB)

1.2.1.1 Payment

Payment will be made for costs associated with the collection, storage and handling, and the removal from the site and proper disposal of all debris recovered from the bottom and all floating debris. Bottom debris including cables, pilings, line, and all objects, which are unsuitable for placement in the HARS or upland disposal site or artificial reef site.

1.2.1.2 Unit of Measurement

Unit of measure: ton (2,000 lbs).

1.2.2 Dredging, Transportation, Delivery, and Placement of Dredged Materials Suitable for Placement at the HARS and Placement at alternate location for beneficial use.

-Item No. 0001AC and 0003 and 0007 Dredging, Transportation, Delivery, and Placement of non-rock Materials suitable for Placement at the HARS.

1.2.2.1 Payment

Payment will be made for costs associated with dredging, including transportation and deposition of dredge material at designated disposal sites, processing, monitoring, and other incidental thereto, including hydrographic surveys.

1.2.2.2A Measurement

The total quantity of dredged material for which payment will be made will be by in-situ (quantity) measurement in cubic yards by computing the difference of available material between the pre-dredge survey and the post-dredge survey. Available material is defined as material located within the boundaries of the dredged prism as shown on the drawings to include the required dredged depths indicated on the drawings and up to 2.0 ft allowable overdepth. Specifically, a quantity of available material will be computed

between the dredge prism and the bottom surface shown by the soundings of the Government's pre-dredge survey, and a quantity of available material will be computed between the dredge prism and the bottom surface shown by the Government post-dredge survey. The difference between these two available quantities (pre-dredge and post-dredge) will constitute the quantity of material dredged. Misplaced materials (including any required removal and placement), excessive dredging, and materials falling or drawn into the cut from beyond the side slope plane or beyond the limits indicated, will be excluded from the quantities for which payment will be made. The Triangulated Irregular Network (TIN) method will be used for quantity determination.

1.2.2.2B Measurement

-Item Nos

0004AA (LSP upland), 0005AA (LSP in water) and 0006AA (Floyd Bennett)

Measurement

The total quantity of material for which payment will be made will be by in-place (quantity) measurement in cubic yards by computing the difference of placed material between the pre-placement and post-placement survey. Placed material is defined as material located within the boundaries of the disposal area as shown on the drawings. Specifically, a quantity of available material will be computed between the existing surface and the post placement surface shown by the Government surveys. The difference between these two quantities (pre-placement and post-placement) will constitute the quantity of material placed. Misplaced materials (including any required removal and placement) will be excluded from the quantities for which payment will be made. The Triangulated Irregular Network (TIN) method will be used for quantity determination.

Payment

Payment will be made for costs associated with dredging, including transportation and deposition of dredge material at the designated upland sites, processing, monitoring, and other incidental thereto, including hydrographic and upland surveys.

1.2.2.3 Unit of Measure

Unit of measure: cubic yard.

1.2.3 Subsurface drilling and sampling (Item No. 0001AD)

1.2.3.1 Payment

Payment will be made for costs associated with subsurface drilling and sampling for each drill hole performed, including mobilization and demobilization of all equipment necessary to perform the required drilling sampling, and coring to a depth of 65 feet below MLW. Mobilization and demobilization will include a drill rig of complete assembly and in working order as well as the transportation of samples and cores to the Caven Point Marine Terminal. Size of sampling shall be 1-3/8 inch diameter and size of rock core shall be NX diameter core.

1.2.3.2 Measurement

The measurement for drilling drive sample drill holes including soil sampling

and rock core drilling (vertical) will be the number of holes that were drilled in accordance with the specifications. Measurements will be made from mean low water.

1.2.3.3 Unit of Measure

Unit of measure: each.

-- End of Section --